

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

STERLING ASKEW as father, next of Kin
and as Administrator Ad Litem/Personal
Representative of the Estate of STEVEN
ASKEW, Deceased, AND Sylvia Askew as
mother and Next of kin of STEVEN
ASKEW, Deceased,

Plaintiffs,

Docket No.: 2:14-cv-02080-STA-tmp

v.

JURY DEMANDED

CITY OF MEMPHIS, TONEY
ARMSTRONG, in his Individual capacity
and official capacity as the Police Director of
the Memphis Police Department; OFFICER
NED AUFDENKAMP (#11914)
Individually and in his official capacity as a
Police Officer with the Memphis Police
Department; OFFICER MATTHEW DYESS
(#12402), Individually
and in his official capacity as a Police Officer
of the Memphis Police Department,

Defendants.

**MOTION TO EXCLUDE TESTIMONY
OF PLAINTIFF'S PROPOSED EXPERT MICHAEL A. KNOX
BY DEFENDANT OFFICERS AUFDENKAMP AND DYESS**

Come now Defendants, Officer Ned Aufdenkamp and Officer Matthew Dyess, individually
through Counsel, pursuant to Rule 702 of the Federal Rules of Evidence, and moves this Court to

exclude the testimony of Plaintiff's proposed expert, Michael A. Knox, and in support thereof state the following:

1. Mr. Knox's opinion with regard to the reconstruction of the shooting incident is based upon speculation and conjecture and not scientific information;
2. Mr. Knox's opinion relative to the tactics utilized by Officers Aufdenkamp and Dyess is completely irrelevant based upon the existing law under 42 U.S.C. Section 1983 and the defense of qualified immunity;
3. Mr. Knox's legal conclusions, speculation and comments are inappropriate and would mislead the jury in this matter, and therefore should be excluded; and,
4. Defendant Officers specifically incorporate by reference those argument raised by the City of Memphis in its Motion and Memorandum entered at Docket Entry Nos. 153 and 154 in this case to the extent that such are applicable to these Defendants.

Respectfully Submitted,

s/ Betsy McKinney

BETSY MCKINNEY #21597

DEBORAH GODWIN #9972

Attorneys for Defendant Officers Aufdenkamp
and Dyess

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CERTIFICATE OF SERVICE

I hereby certify that on October 22, 2015, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing such system will serve a copy of the foregoing upon every CM/ECF registered party in this case.

I also hereby certify that there are no non-registered CM/ECF parties requiring service by other means.

s/ Betsy McKinney
BETSY MCKINNEY